**THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU**

On Monday, the thirtieth day of January,

two thousand and six .

**W.P.No.19584 of 1996**

Madiga Lalaiah and another.

….Petitioner.

And:

The Revenue Divisional Officer, Bodhan, Nizamabad District and another..

……..Respondents.

**O R D E R:**

Petitioners who are the assignees of Ac.4.05½ guntas in Sy.No.30/1A, 3 and 38 of Nagapur village were served with show cause notice by the Revenue Divisional Officer (1st respondent) who, later, through the proceedings No.G/2700/96-1 dated 25.7.1996, cancelled the assignment made in their favour. Questioning the same petitioners filed this petition.

2) The contention of the learned counsel for the petitioner is that in view of the ratio in **G.Muni Lakshmamma Vs. District Collector** and Board Standing Order-15(18) first respondent does not have the power to cancel the assignment and so the order impugned is liable to be quashed. The contention of the learned Assistant Government Pleader is that since the assignment was obtained by suppressing the material facts, first respondent has the power to

cancel the assignment.

3) In view of BSO-15(18), and also the ratio in **G.Munilakshmamma's Case** (1-supra), Collector only is competent to cancel the assignment, if it is obtained irregularly. Since the cancellation of the assignment in favour of the petitioner is not made by the Collector, but is made by the 1st respondent, through the order impugned, the same is liable to be quashed.

4) Therefore, the writ petition is allowed and the impugned order is quashed. If there is any irregularity in assigning lands to the petitioner, this order does not prevent the competent authority initiating proceedings for cancellation, by following the procedure prescribed. No costs.

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JUSTICE C.Y.SOMAYAJULU

30th January 2006.

BCS